

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

REMARKS

Reconsideration and allowance are respectfully requested. Before entry of this amendment, claims 1-15 were pending. In the Office Action, claims 1-15 were rejected. In the present response, claims 1-15 are amended and claims 16-17 are added. After entry of this amendment, claims 1-17 are pending.

I. Non-statutory obviousness-type double patenting

The Examiner has provisionally rejected claims 1-15 on the ground of nonstatutory, obviousness-type double patenting over claims 1-20 of copending Application No. 10/761,883, claims 1-15 of copending Application No. 10/761,894, and claims 1-24 of copending Application No. 10/972,765. Applicants consider the current claims 1-15 of this application to be patentably distinct from the current versions of the claims in the referenced related applications. However, all of the cited applications are currently pending, making it difficult to address the merits of the rejection with certainty.

In the event that all remaining rejections to the claims of the instant application are withdrawn and the claims of copending applications nos. 10/761,883, 10/761,894, and 10/972,765 are still pending, Applicants either will submit a terminal disclaimer of the instant patent application over copending application nos. 10/761,883, 10/761,894, and 10/972,765 or will address the merits of the rejection directly.

II. Claim Rejections – 35 U.S.C. § 112

A. Dependent Claims 2-13

The Examiner states that there is insufficient antecedent basis for the limitation "unsolicited message blocking" recited in the first lines of claims 2-13. (Office Action, p. 3, lines 10-11) Claims 2-13 have been amended to replace this limitation with the limitation "unsolicited message diverting", which is recited in base claim 1 upon which claims 2-13 depend.

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

B. Independent Claim 1

The Examiner makes several claims of vagueness and/or ambiguity in the language of claim 1. (Office Action, p. 3, line 12 – p. 4, line 1). Applicants respectfully submit that the amendment of claim 1 addresses these concerns.

C. Dependent Claim 10

The Examiner notes the inconsistent use of the term “actual domain of DD_0” in claim 1 and the use of the term “the real domain DD_1” in claim 10, which depends from claim 1. This has been corrected. Claim 1 has been amended to recite, “a real domain DD_0”, and claim 10 has been amended to recite “the real domain DD_0”.

III. Claims 1-7, 10-11 and 14

Claims 1-7, 10-11, and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Donaldson (U.S. Pat. 7,249,175). (Office Action, p. 5, lines 1-2)

A. Independent claim 1

Claim 1 as amended recites:

“intercepting means for intercepting a RCPT reply from MTA_0, substituting the diversion address A' 1 for the to-address A 1 in the RCPT reply and sending a modified RCPT reply to MTA 1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database; wherein the unsolicited message diverting communications processor does not intercept communications between MTA 0 and MTA 1 before a RCPT command from MTA 0 is received by the unsolicited message diverting communications processor, and wherein the connection with MTA_0 is rejected before the data portion of the unsolicited message is transmitted” (emphasis added).

Donaldson does not form the basis for a valid rejection of claim 1 under 35 U.S.C. § 102(e) because Donaldson does not disclose the limitation “substituting

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

the diversion address A'_1 for the to-address A_1 in the RCPT reply and sending a modified RCPT reply to MTA_1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database" (emphasis added). Furthermore, Donaldson does not disclose "the unsolicited message diverting communications processor does not intercept communications between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received by the unsolicited message diverting communications processor" (emphasis added).

The Examiner states that Donaldson discloses "means for intercepting a RCPT reply from MTA_0, substituting diversion address A'_1 for to-address A_1 in RCPT reply and sending modified RCPT reply to MTA_1 if the message is determined to be unsolicited and if to-address is in the save_spam database (col. 40, lines 29-45; see also Figs. 13, 26 and 27; col. 15, lines 50-65; col. 3, line 57 – col. 4, line 2)" (Office Action, p. 5, lines 9-13). None of the passages of Donaldson cited by the Examiner supports this assertion. The cited passage from column 40 of Donaldson discusses separating messages as trusted, untrusted and flagged by a reject flag, or untrusted and unflagged. The cited passage from column 15 and figure 13 of Donaldson relate to the basic processing steps of Donaldson's active filter. The cited passage from columns 3 and 4 of Donaldson discusses a conventional SMTP mail transfer session without any spam filtering in place. None of these cited passages discloses "substituting the diversion address A'_1 for the to-address A_1 in the RCPT reply and sending a modified RCPT reply to MTA_1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database".

Figures 26-27 of Donaldson cited by the Examiner disclose that, under certain conditions, Donaldson's active filter may write the MAIL and RCPT messages to a quarantine file. (See also Donaldson, col. 42, lines 30-45). In addition, Donaldson states, "Each quarantine file contains the remote host's name and IP address, the MAIL From address, at least one RCPT To address, a DATA line, and the text of the message as received from the remote host" (Donaldson, col. 38, lines 36-39). Donaldson does not disclose a "diversion

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

address", a "save_spam database", "substituting the diversion address A'_1 for the to-address A_1 in the RCPT reply", or "sending a modified RCPT reply to MTA_1". Instead, when faced with a file to be quarantined, Donaldson's active filter opens a quarantine file to store message contents. Thus, Donaldson does not form the basis for a valid rejection of claim 1 under 35 U.S.C. § 102(e).

In addition, the Examiner states that Donaldson discloses "whereby the connection with MTA_0 is rejected before the data portion of the unsolicited message is transmitted (col. 40, lines 21-39, col. 3, lines 51-60 and col. 19, lines 23-26)" (Office Action, p. 5, lines 15-17). Donaldson does not, however, disclose "the unsolicited message diverting communications processor does not intercept communications between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received by the unsolicited message diverting communications processor" (emphasis added). The cited passage from column 3 of Donaldson discusses a conventional SMTP message transfer scenario without any message filtering in place at all. Thus, column 3 cannot disclose "an unsolicited message diverting communications processor connected to mail transfer agents MTA_0 . . . and MTA_1 . . . wherein the unsolicited message diverting communications processor does not intercept communications between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received" (emphasis added). The cited passage from column 19 discusses a step of Donaldson's active filter wherein the active filter determines that a sender is untrusted and blacklisted, and then "closes the connection" with MTA_0 before any RCPT command has been sent by "MTA_0" and before any communication is passed to "MTA_1". (See also Donaldson Fig. 14). Donaldson does not disclose the claimed limitation "wherein the unsolicited message diverting communications processor does not intercept communications between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received" (emphasis added). Donaldson's active filter discloses the opposite of the claimed limitation by intercepting communications from "MTA_0" and closing the connection with "MTA_0" before any communications are permitted to pass to "MTA_1".

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

The cited passage from column 40 discloses that "when the proxy determines if the message is trusted . . . the proxy proceeds to transfer the RCPT message to the MTA, beginning at step 1637" (Donaldson, col. 40, lines 29-34). This transfer of the RCPT message does not disclose "does not intercept communications between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received" by the unsolicited message diverting communications processor" (emphasis added). Before it is possible for Donaldson's active filter to pass the RCPT message from a trusted "MTA_0", Donaldson describes tests at connection time (see Donaldson Fig. 14) in which the connection with "MTA_0" may be closed before any communications are passed to "MTA_1". This is the opposite of "does not intercept communications MTA_0 and MTA_1 before a RCPT command from MTA_0 is received."

The Donaldson reference describes several scenarios that are opposite to the recited language of claim 1. For instance, Donaldson explains that the Donaldson Active Filtering Proxy interacts with "MTA_0", performs tests, and in some circumstances, closes the connection before any connection is made to the "MTA_1". (Donaldson, col. 12, lines 11-19). Donaldson discloses that "[b]ecause the proxy 1401 controls when it reads data on the connection 1403, it is not possible for the remote host 1400 to proceed with transfer of its message until the proxy 1401 completes its filtering." These scenarios do not disclose "does not intercept communications between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received." Donaldson proposes doing testing as early as possible. Donaldson always takes control of the connection immediately upon establishment of the TCP/IP connection between the "MTA_0" and the "communications processor". Claim 1, on the other hand, recites that the unsolicited message rejecting communications processor does not intercept communications between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received" (emphasis added).

Because Donaldson does not disclose either (i) "substituting the diversion address A'_1 for the to-address A_1 in the RCPT reply and sending a modified

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

RCPT reply to MTA_1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database,” or (ii) “the unsolicited message diverting communications processor does not intercept communications between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received by the unsolicited message diverting communications processor,” reconsideration of the § 102(e) rejection and allowance of claim 1 are requested.

B. Dependent Claims 2-7 and 10-11

Claim 6 as amended recites:

“The unsolicited message diverting communications processor in Claim 1, further includes a bad_from database and wherein the determining means determines if a message is unsolicited by checking if the from-address A_0 is in the bad_from database.”

The Examiner states that Donaldson discloses “the unsolicited message rejecting communications processor further includes a bad_from database and wherein the determining means determines if a message is unsolicited by checking if the from-address A_0 is in the bad_from database (col. 11, line 58 –col. 12, line 10 and col. 43, lines 7-39)” (Office Action, p. 6, lines 15-18).

Donaldson does not form the basis for a valid rejection of claim 6 under 35 U.S.C. § 102(e) because Donaldson does not disclose “further includes a bad_from database and wherein the determining means determines if the message is unsolicited by checking if the from-address A_0 is in the bad_from database” (emphasis added). The cited passage from columns 11-12 of Donaldson discloses a “Blacklist DB [database] 1095, which identifies IP addresses of remote hosts that will be blocked immediately after they connect to the proxy server” (Donaldson, col. 11, lines 62-64) (bracketed text added and emphasis added). Donaldson’s Blacklist database is not a list of named addresses listed in the “bad_from database”. The cited passage from column 43 discloses “per-recipient whitelisting” where “a message can be directly transferred to one set of recipients and simultaneously rejected or quarantined

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

for the remaining recipients" (Donaldson, col. 43, lines 13-16). Donaldson discloses that "because of per-recipient whitelisting" a message that fails Active Filtering is not rejected for all recipients, rather, messages from senders on the per-recipient whitelist may be sent through. (Donaldson, col. 43, lines 13-25). Donaldson's per-recipient whitelist is not a list of named addresses listed in the "bad_from database", "wherein the determining means determines if the message is unsolicited by checking if the from-address A_0 is in the bad_from database" (emphasis added). Rather, the white-list of Donaldson acts as a tunnel through the spam filter.

Because Donaldson does not disclose "a bad_from database and wherein the determining means determines if [[a]]the message is unsolicited by checking if the from-address A_0 is in the bad_from database," reconsideration of the § 102(e) rejection and allowance of claim 6 are requested.

In addition to the reasons stated above, claims 2-7 and 10-11 depend from claim 1 and are allowable for at least the same reasons for which claim 1 is allowable. Reconsideration of the § 102(e) rejection and allowance of claims 2-7 and 10-11 are requested.

C. Independent Claim 14

Claim 14 as amended recites:

"A method for a receiving networked computer system with an Internet connection, . . . a diversion address A'_1, a save_spam database and an operating system capable of executing the method to divert unsolicited messages . . . comprising the steps of:

. . .
g) substituting the diversion address A'_1 for the to-address A_1 in the RCPT reply and sending the modified reply to MTA_1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database;
whereby MTA_1 controls the interaction between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received and whereby the connection with

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

MTA_0 is rejected before the data portion of the unsolicited message is transmitted.”

The Examiner states that Donaldson discloses “a receiving networked computer system with . . . a diversion address A'_1, a save_spam database (col. 13, lines 26-49; col. 40, lines 29-45; see also Figs. 13, 26 and 27; col. 15, lines 50-65)” (Office Action, p. 7, lines 17-18). In addition, the Examiner states that Donaldson discloses “substituting diversion address A'_1 for to-address A_1 in the RCPT reply and sending the modified replay to MTA_1 if the message is determined to be unsolicited and if recipient address A_1 is in the save_spam database (col. 40, lines 29-45; see also Figs. 13, 26 and 27; col. 15, lines 50-65; col. 3, line 57 – col. 4, line 2)” (Office Action, p. 8, lines 11-14).

Donaldson does not form the basis for a valid rejection of claim 14 under 35 U.S.C. § 102(e) because Donaldson does not disclose “a diversion address A'_1” or “a save_spam database”. In addition, Donaldson does not disclose “substituting the diversion address A'_1 for the to-address A_1 in the RCPT reply and sending the modified reply to MTA_1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database; whereby MTA_1 controls the interaction between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received . . .” (emphasis added).

Donaldson discloses none of (i) “a diversion address A'_1”, (ii) “a save_spam database”, or (iii) “substituting the diversion address A'_1 for the to-address A_1 in the RCPT reply and sending the modified reply to MTA_1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database” (emphasis added). The cited passages from columns 13 and 40 of Donaldson discuss only one way of integrating Donaldson's active filter into a conventional firewall configuration (Donaldson, col. 13, lines 26-49 and fig. 8), separating messages as trusted, untrusted and flagged by a reject flag, or untrusted and unflagged (Donaldson, col. 40, lines 29-45). The cited passages from columns 15 and 3 discuss only the basic processing steps of Donaldson's active filter (Donaldson, col. 15, lines 50-65 and Fig. 13), and a conventional

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

SMTP mail transfer session without any spam filtering in place (Donaldson, col. 3, line 57 – col. 4, line 2). None of these cited passages discloses “a diversion address”, “a save_spam database”, or “substituting the diversion address A'_1 for the to-address A_1 in the RCPT reply and sending the modified reply to MTA_1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database”.

Figures 26-27 of Donaldson also do not disclose these limitation. Instead, figures 26-27 disclose that, under certain conditions, Donaldson's active filter may write the MAIL and RCPT messages to a quarantine file. (See Donaldson, col. 42, lines 30-45). Donaldson describes, “Each quarantine file contains the remote host's name and IP address, the MAIL From address, at least one RCPT To address, a DATA line, and the text of the message as received from the remote host” (Donaldson, col. 38, lines 36-39). Under certain conditions, Donaldson's active filter simply writes certain messages to a quarantine file and quits the connection with “MTA_0”. (See Donaldson, Fig. 26-28). Donaldson does not disclose a “diversion address”, a “save_spam database”, or “substituting the diversion address A'_1 for the to-address A_1 in the RCPT reply and sending the modified reply to MTA_1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database”.

In addition, Donaldson does not disclose “whereby MTA_1 controls the interaction between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received.” The Examiner states that Donaldson discloses “whereby MTA_1 controls the interaction between MTA_0 and MTA_1 until a .\r\n end-of-message indicator reply is received from MTA_0 (col. 40, lines 29-34 and col. 20, lines 6-23 and col. 44, lines 3-16)” (Office Action, p. 8, lines 15-17). Column 40 of Donaldson, however, describes active filter activity after “a RCPT command from MTA_0 is received”, not “before” as claimed. The cited passage from column 20 of Donaldson discusses active filter activity at MAIL From message time, but does not address whether “MTA_1 controls the interaction between MTA_0 and MTA_1 before a RCPT command.” The cited passage from column 44

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

discusses appending message contents to a quarantine file, which occurs after RCPT time, not "before a RCPT command" as claimed. (See also Donaldson, Fig. 28).

Donaldson provides several teachings that oppose the recited limitations of claim 14. For instance, Donaldson explains that the Donaldson Active Filtering Proxy interacts with "MTA_0", performs tests, and in some circumstances, closes the connection before any connection is made to the "MTA_1". (Donaldson, col. 12, lines 11-19). Donaldson discloses that "Because the proxy 1401 controls when it reads data on the connection 1403, it is not possible for the remote host 1400 to proceed with transfer of its message until the proxy 1401 completes its filtering." These scenarios do not disclose allowing MTA_1 to control "the interaction between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received." Donaldson suggests doing testing as early as possible. Donaldson always takes control of the connection immediately upon establishment of the TCP/IP connection between the "MTA_0" and the "communications processor". Claim 14, on the other hand, recites "whereby MTA_1 controls the interaction between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received."

Because Donaldson does not disclose any of (i) "a diversion address A'_1", (ii) "a save_spam database", (iii) "substituting the diversion address A'_1 for the to-address A_1 in the RCPT reply and sending the modified reply to MTA_1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database, or (iv) "whereby MTA_1 controls the interaction between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received", reconsideration of the § 102(e) rejection and allowance of claim 14 are requested.

IV. Claims 8-9

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Donaldson in view of Levosky (U.S. Pat. 2002/0087641) and further in view of Wilson (U.S. Pat. Pub. 2004/0015554) (Office Action, p. 9, lines

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

1-2). Claims 8 and 9 depend from claim 1 and include the following limitations from claim 1: “substituting the diversion address A’ 1 for the to-address A 1 in the RCPT reply and sending a modified RCPT reply to MTA 1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database” and “the unsolicited message diverting communications processor does not intercept communications between MTA 0 and MTA 1 before a RCPT command from MTA 0 is received by the unsolicited message diverting communications processor” (emphasis added).

The combination of Donaldson, Levosky and Wilson does not form the basis for a valid rejection of claims 8 or 9 under § 103(a) because none of the references teaches “substituting the diversion address A’_1 for the to-address A_1 in the RCPT reply and sending a modified RCPT reply to MTA_1” or “does not intercept communications between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received.” As explained above with regard to claim 1, Donaldson does not teach these limitations. Moreover, neither Wilson nor Levosky teaches these limitations.

Because the combination of Donaldson, Levosky and Wilson does not teach all of the recited limitations of claims 8 and 9, reconsideration of the § 103(a) rejection and allowance of claims 8 and 9 are requested.

V. Claims 12-13

Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Donaldson in view of Levosky (Office Action, p. 10, lines 1-2).

Claim 12 as amended recites, “a rejected_connection database which logs the time, from-address A_0, to-address A_1, and the reason for the rejection if a message is rejected if the message is determined to be unsolicited.” The combination of Donaldson and Levosky does not form the basis for a valid rejection of claim 12 under § 103(a) because neither Donaldson nor Levosky teaches logging the time, from_address A_0, to address A_1, and the reason for

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

the rejection if a message is rejected if the message is determined to be unsolicited.

The Examiner acknowledges that “Donaldson does not explicitly teach the unsolicited message [diverting] communications processor further includes a rejected_connection database which logs the time, from-address A_0, to address A_1, and the reason for the rejection if a message is rejected if the message is determined to be unsolicited” (Office Action p. 10, lines 4-7). In the Office Action, the Examiner relies on Levosky as teaching the missing claim limitations. But Levosky also does not teach logging the time, from_address A_0, to address A_1, and the reason for the rejection if the message is determined to be unsolicited. Levosky teaches logging the history of messages received by a particular address and the user's decision to possibly block or suspend the forwarding of these messages (Levosky, ¶ [0065]). Levosky does not, however, teach logging “the reason for the rejection if the message is determined to be unsolicited.” Levosky logs the status of the message, but the reasoning for assigning that status is determined by the user rather than the “communications processor . . . if a message is rejected if the message is determined to be unsolicited”. Thus, neither Levosky nor Donaldson teaches “a rejected_connection database which logs the time, from-address A_0, to-address A_1, and the reason for the rejection if a message is rejected if the message is determined to be unsolicited.”

In addition, the Examiner's argument fails to satisfy the standard for obviousness enunciated in *KSR v. Teleflex*. In order to find that a claim is obvious, there must be “an apparent reason to combine the known elements in the way a patent claims . . .” *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007) (emphasis added). The Examiner's rationale for combining Donaldson and Levosky is “to have incorporated the known technique of using logs as taught by Levosky into the known system of Donaldson for the predictable result of enabling the storage of a record of past transactions.” (Office Action, p. 10, lines 12-14). This rationale provides no apparent reason

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

why a person of ordinary skill in the art would have designed a log in the way of claim 12. A motivation to enable storage of a record of past transactions is not an apparent reason to append the Active Filter of Donaldson with a log file of Levosky in any particular way, such as the way claimed. Neither Donaldson or Levosky teaches logging the reason for the rejection if the message is determined to be unsolicited in the way claimed. Moreover, storing records of past transactions is not an apparent reason to log the reason why an unsolicited message was rejected.

Because the combination of Donaldson and Levosky does not teach “a rejected_connection database which logs the time, from-address A_0, to-address A_1, and the reason for the rejection if a message is rejected if the message is determined to be unsolicited”, and because there is no apparent reason to combine Donaldson and Levosky in the way of claim 12, reconsideration of the § 103(a) rejection and allowance of claim 12 are requested.

Claim 13 as amended recites, “an allowed_connection database which logs the time and to-address A_1 if the message is determined not to be unsolicited.” The combination of Donaldson and Levosky does not form the basis for a valid rejection of claim 13 under § 103(a) because there is no apparent reason to combine the known elements of Donaldson and Levosky in the way of claim 13.

The Examiner baldly states that “Donaldson-Levosky teaches the unsolicited message [diverting] communications processor further includes a allowed_connection database which logs the time and to-address A_1 if the message is determine[d] not to be unsolicited” (Office Action, p. 10, lines 15-17). In order to find that a claim is obvious, there must be “an apparent reason to combine the known elements in the way a patent claims . . .” *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007) (emphasis added). The Examiner has provided no rationale for combining Donaldson and Levosky in the way of claim 13. Neither Donaldson nor Levosky teaches logging an allowed_connection database which logs the time and to-address A_1 if the

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

message is determined not to be unsolicited in the way claimed and there is no apparent reason to combine Donaldson and Levosky in the way claimed. Therefore, reconsideration of the § 103(a) rejection and allowance of claim 13 is requested.

Furthermore, claims 12 and 13 depend from claim 1 and include the following limitations from claim 1: “substituting the diversion address A’ 1 for the to-address A 1 in the RCPT reply and sending a modified RCPT reply to MTA 1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database” and “the unsolicited message diverting communications processor does not intercept communications between MTA 0 and MTA 1 before a RCPT command from MTA 0 is received by the unsolicited message diverting communications processor” (emphasis added). As explained above with regard to claim 1, Donaldson does not teach these limitations. Moreover, Levosky does not teach “substituting the diversion address A’ 1 for the to-address A 1 in the RCPT reply and sending a modified RCPT reply to MTA 1 if the message is determined to be unsolicited and if the to-address A_1 is in the save_spam database” or “the unsolicited message diverting communications processor does not intercept communications between MTA 0 and MTA 1 before a RCPT command from MTA 0 is received by the unsolicited message diverting communications processor”.

Because the combination of Donaldson and Levosky does not teach the limitations of claims 12 and 13 and does not teach all of the limitations of base claim 1, reconsideration of the § 103(a) rejection and allowance of claims 12 and 13 are requested.

VI. Claims 16-17

Applicants are adding new claims 16-17, each of which is supported by the specification and allowable over the cited references.

Applicants: White et al.
Serial No.: 10/761,864
Filing Date: January 20, 2004
Docket No.: EGT-005-1C

VII. Conclusion

In view of the foregoing remarks, Applicants respectfully submit that the entire application (claims 1-17 are pending) is in condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner would like to discuss any aspect of this application, the Examiner is requested to contact the undersigned at (925) 550-5067.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By 
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Date of Deposit: September 30, 2008

Respectfully submitted,



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